

**U.S. Department of the Interior
Bureau of Land Management**

Extraordinary Circumstances Documentation

**N-94199 Union Pacific Railroad — Richmond Slide,
Right-of-Way**

DOI-BLM-NV-L030–2015–0023–CX

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management



**Extraordinary Circumstances
Documentation
N-94199 Union Pacific Railroad — Richmond
Slide, Right-of-Way
DOI-BLM-NV-L030–2015–0023–CX**

**Prepared by
U.S. Department of the Interior
Bureau of Land Management**

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Chapter 1. Categorical Exclusion Rationale

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CX Number:	DOI-BLM-NV-L030-2015-0023-CX
Date:	June 22, 2015
Lease/Case File/ Serial Number:	N-94199
Regulatory Authority (CFR or Law):	

The following block would be inside instruction tags and not be printed or visible in the final document

NEPA Guidance: Answers to the Extraordinary Circumstances questions below will affect the level of NEPA required for this project. If any of the extraordinary circumstances are applicable to the action being considered, either an EA or EIS must be prepared for the action.

Section 1.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: The area of the slide is not accessible to the general public due to the Union Pacific Railroad right-of-way restrictions. The proposed action is being proposed to eliminate a threat to Union Pacific Railroad staff and facilities.

Section 1.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: The proposed action was reviewed through the completion of a Cultural Resources Inventory Needs Assessment by BLM Archaeologist Harry Konwin and the proposed action will have no impacts to historic or cultural resources. There are no lands or geographic characteristics such as those listed in this extraordinary circumstance located within the area of potential effect for this proposed action.

Section 1.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: This area is located in a canyon with access limited to UPRR staff and escorted visitors. There are no alternative uses for this area due to geographic restraints and present uses.

Section 1.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: The proposed action is simply the removal of material that is threatening the UP Railroad and placing it along the railline a short distance from the current location. Environmental effects will be minimal and are outlined in the rationale of the other extraordinary circumstances contained in this document.

Section 1.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: Given the complexity of having an active railroad in a canyon, actions such as those outlined in the proposed action are fairly common thus this project will not set a precedent for future actions as the precedent has already been set.

Section 1.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: The proposed action is not associated with any other proposed action.

Section 1.7 Impacts on Cultural Properties

7. Does the proposed action have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	NO	REVIEWER/TITLE
	X	Harry Konwin — Archaeologist

Rationale: The proposed action was reviewed through the completion of a Cultural Resources Inventory Needs Assessment and the proposed action will have no impacts to properties listed or eligible for listing, on the National Register of Historic Places.

Section 1.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	NO	REVIEWER/TITLE
	X	Alicia Styles — Wildlife Biologist

Rationale: Alicia Styles and NDOW Fisheries Biologist, Mark Beckstrand, visited the UPRR Richmond Slide on June 18, 2015. Mark does not have any concerns as UPRR does not plan to divert any water for their culverts and road crossing. Mark noted the fish in the area (primarily rainbow trout but also native speckled dace and desert sucker) will avoid the area during the culvert installation. The disturbance should be fairly minimal to fish resources. The area was looked at for signs of nesting Golden Eagles, no signs were observed. The area was also examined for potential habitat for the following Avian and Plant species that may be present in the project area: Southwestern Willow Flycatcher, Yellow-billed cuckoo, and Ute ladies'-tresses. It was determined that at this time the area lacks the characteristics necessary to support these species. Field Notes from Alicia Styles are in the administrative record which contain more detailed information regarding this site visit.

Section 1.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: This action does not violate any laws or requirements for the protection of the environment.

Section 1.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	NO	REVIEWER/TITLE
	X	Nicholas Pay — Planning & Environmental Coordinator

Rationale: There are no low income or minority populations that would be effected by this proposed action.

Section 1.11 Indian Sacred Sites

11. Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	NO	REVIEWER/TITLE
	X	Elvis Wall — Native American Coordinator

Rationale: Native American Tribes have not identified any sacred sites within the area of potential effect.

Section 1.12 Noxious and Non-Native Invasive Species

12. Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	NO	REVIEWER/TITLE
	X	Cameron Boyce — Natural Resource Specialist

Rationale: A weed risk assessment was prepared for this proposed action and the proponent will be required to carry out the stipulations outlined to prevent the introduction, continued existence or spread of noxious weeds or non-native invasive species.

Section 1.2 Preparer Information

Nicholas Pay

6/23/2015

PREPARER/TITLE

DATE

Planning & Environmental Coordinator

TITLE